

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
)	
Acceleration of Broadband Deployment:)	WT Docket No. 11-59
Expanding the Reach and Reducing the Cost)	
of Broadband Deployment by Improving)	
Policies Regarding Public Rights of Way and)	
Wireless Facilities Siting)	
)	
)	

COMMENTS

July 18, 2011

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The Wireless Communications Association International, Inc. (“WCAI”), the trade association of the wireless broadband industry, submits these comments on the Commission’s Notice of Inquiry in this proceeding.¹

I. INTRODUCTION

Accelerating access to broadband services is critical to education, healthcare, employment, and public safety. To accelerate broadband deployment, the Commission should survey state, local, and tribal governments to assess the current locations of government wireless facilities, as well as their ability to access backhaul platforms and cellular towers. A comprehensive map of government facilities and their capabilities would promote intergovernmental planning and cooperation. Such cooperation would allow the collocation of government providers on physically-diverse, multiple-use, shared access backhaul sites, which would avoid substantial economic waste and promote improved broadband coverage and services.

Broadband deployment can also be accelerated by reducing the delays caused by regulatory processes. Lengthy zoning and permit reviews impose considerable costs upon the public and the economy. The Commission should undertake a strong campaign to educate those agencies involved in these processes so that broadband deployment can be accelerated. Some regulatory processes are expressly prohibited, such as violation of the Over-the-Air Reception Devices (OTARD) rule. Those who attempt to impose these prohibited restrictions, including governmental agencies and private entities, must be informed about the rules pertaining to these

¹ Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, *Notice of Inquiry*, WT Docket No. 11-59 (rel. Apr. 7, 2011) (“NOI”).

devices so that the deployment of broadband is not hindered unnecessarily. The public also needs to be educated about their rights to install certain devices which enable their access to broadband. Removal these barriers will facilitate achieving the goal of rapid deployment of nationwide broadband.

II. DISCUSSION

Access to broadband services is essential to the welfare of consumers and the economy as a whole. It is critical that broadband is deployed efficiently in order to promote increased connectivity, expand broadband activity and competition, community development, job creation, consumer welfare, and economic growth.

A. The Current Location and Capabilities of Government Wireless Facilities Should Be Mapped by the Commission.

To identify areas in which intergovernmental planning and cooperation would improve wireless coverage, the Commission should conduct surveys of state, local, and tribal governments to determine the current locations of governmental wireless facilities and their ability to access backhaul platforms and cellular towers, which should then be mapped by the Commission.

This comprehensive map of the governmental wireless systems would likely reveal substantial inefficiencies and wasted resources that could be remedied through better planning and improved cooperation. There are several reasons why government systems may be deployed inefficiently. There may be multiple towers and backhaul platforms built by separate entities in the same area that are too weak to support all the needs of the area and are therefore ineffective. Some facilities may not have been built to gain economies of scale, resulting in under-optimization of available resources and insufficient coverage. Finally, there may be facilities

which were not designed for physical diversity, which may lead to outages of service for extended periods. This lack of redundancy is an especially critical aspect to be remedied in light of the struggle to develop a national first responder network and other mission-critical regional networks.

1. The Utilization of Multi-Use, Shared-Access Backhaul Platforms by Government Providers Would Reduce Economic Waste and Promote Improved Broadband Coverage.

A comprehensive map of government facilities and their capabilities would help remedy these deficiencies by promoting intergovernmental planning and cooperation. Such cooperation would allow the collocation of government providers on physically-diverse, multiple-use, shared access backhaul sites. These sites would enable higher bandwidth to be obtained more economically, as the scope of coverage could be expanded in areas that are unserved or underserved, particularly rural areas, without the unnecessary duplication of costs. Because shared platforms can be used to provide backhaul for local, state, and municipal governments, schools, libraries, and first responder networks, they create both cost and safety incentives for governments to deploy broadband services, while avoiding substantial economic waste and improving coverage.

B. Nationwide Broadband Deployment is Delayed by Zoning and Permitting Processes.

Zoning and permitting processes also cause substantial and unnecessary delays in broadband deployment and unnecessarily increase costs.² These delays

² See Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended

directly harm public welfare, both economically and with respect to public safety.

Pending the resolution of these zoning and permit processes, invested equipment sits idle. Resources which are unexploited during lengthy delays caused by zoning and permit processes result in considerable costs to the public and the economy. Areas which are unserved or underserved continue to lack broadband services, including those which could connect them to first responder networks. Every day the spectrum sits unused and the public goes without service imposes an opportunity cost that will never be recouped. The Commission should undertake a strong campaign to educate those involved in the zoning and permit processes, including governments and agencies at the federal, tribal, state, local and educational levels, about the harms that result from these delays, so that changes can be made to the zoning and permitting processes to increase the speed and efficiency with which broadband is deployed.

1. Compliance With the Over-the-Air Reception Devices Rule Is Critical to the Rapid Deployment of Nationwide Broadband.

An additional obstacle to the rapid deployment of broadband is the lack of compliance with the rules currently in force to foster the development of wireless services. The Over-the-Air Reception Devices (“OTARD”) rule³ protects fixed wireless devices and satellite receivers from restrictions on their installation and use, whether imposed by governments or private entities.⁴ Despite this regulation,

by the Broadband Data Improvement Act, Seventh Broadband Progress Report and Order on Reconsideration, at para. 64 (rel. May 20, 2011).

³ 47 C.F.R. § 1.4000.

⁴ See Id. at (b) (“For purposes of this rule, a law, regulation or restriction impairs installation, maintenance or use of an antenna if it: (1) unreasonably delays or prevents

local zoning authorities, as well as homeowners associations and private landlords, regularly disregard the OTARD rule by subjecting deployments of fixed wireless antennas of one meter or less in diameter to pre-clearance reviews, which often require expending significant resources. The additional time and expense required to contend with these wasteful, and prohibited, reviews directly impedes the rate at which broadband may be deployed.

The OTARD rule was adopted to prevent such regulatory barriers, and education about the rule is critical to securing compliance. Those who engage in these types of illicit behaviors must be informed of the rules and their violation of them. The reasons that these regulations are in place must also be clearly understood so that the incentives for compliance can be effective. The public also needs to be informed of their rights to install equipment that will enable them to receive broadband services so that these rights may be asserted. The deployment of nationwide broadband is being frustrated by local zoning authorities and private entities, behavior which could be remedied through education and enforcement by the Commission.

III. CONCLUSION

WCAI looks forward to working with the Commission to develop a comprehensive plan for expanding the reach and reducing the costs of broadband deployment.

installation, maintenance or use, (2) unreasonably increases the cost of installation, maintenance or use, or (3) precludes reception of an acceptable quality signal”).

Respectfully submitted,

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